

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES F. ENGLISH, III**

**v.**

**COMMONWEALTH OF  
PENNSYLVANIA**

**: CIVIL ACTION**

**:**

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**NO. 16-cv-06480-PBT**

**FILED**

**MAR 29 2018**

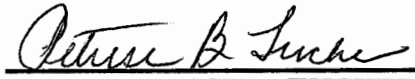
**KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk**

AND NOW this 28<sup>th</sup> day of March, 201~~7~~<sup>8</sup>, upon careful and independent consideration of James English, III's petition for writ of habeas corpus (Doc. No. 1), the Commonwealth's response in opposition (Doc. No. 18), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. English's Petition for Writ of Habeas Corpus is DENIED and DISMISSED without prejudice by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and,

4. The Clerk of Court shall mark this file closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Petrrese B. Tucker", is written over a solid horizontal line.

HON. PETRESE B. TUCKER  
U.S. District Judge